




PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		2018-744
	Application Number	Filed
	10/615,784	July 10, 2003
	First Named Inventor	
		KIMURA
Art Unit	Examiner	
2834	Scheuermann, D.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <p><input type="checkbox"/> Applicant/Inventor</p> <p><input type="checkbox"/> Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> Attorney or agent of record <u>32,331</u> (Reg. No.)</p> <p><input type="checkbox"/> Attorney or agent acting under 37CFR 1.34. Registration number if acting under 37 C.F.R. § 1.34 _____</p>		
<p> Signature</p> <p>Michelle N. Lester</p> <p>_____ Typed or printed name</p> <p>703-816-4014 Requester's telephone number</p> <p>January 24, 2006 Date</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of 1 form/s are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT OF ARGUMENTS IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The following listing of clear errors in the Examiner's rejection and his failure to identify essential elements necessary for a *prima facie* basis for rejection are responsive to the Final Rejection mailed August 24, 2005 and the Advisory Action mailed December 15, 2005.

**1. The Examiner fails to establish that claims 1-4, 7-8 and 11-12
are anticipated by Igarashi under 35 USC §102(b)**

Claim 1 literally requires *inter alia* 1) that each stator coil include a bobbin fitted to one of the teeth and a phase coil wound around the bobbin, 2) that each bobbin include a bobbin terminal for connecting opposite ends of the phase coil, and 3) that the bobbin terminal have a second contact portion in contact with the first contact portion of the stator terminal.

Claim 11 similarly requires that each bobbin include "a pair of bobbin terminals to which opposite ends of one of said phase coils are connected". Moreover, claim 12 specifically requires that each bobbin have a pair of bobbin terminals and specifically recites the step of connecting opposite ends of each phase coil to the bobbin terminals.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

As is well understood in the art, a "bobbin" is not merely an insulator layer, but is a reel on which wire is wound. (Merriam-Webster On-line Dictionary). If a bobbin were indeed provided in Igarashi fitted to a tooth of the stator and around which a coil 15 is wound, then that bobbin must appear in Figure 2 of Igarashi, in an analogous manner to the way in which the bobbin 61 (flange portion) is shown in Figure 1 of the present application. No such bobbin structure, however, is depicted in Figure 2 of Igarashi. Although the Examiner has referred to the cross-hatched portion located between core 13 and winding 15 as allegedly constituting a bobbin, it is respectfully submitted that a person having ordinary skill in this art would recognize and understand that the cross-hatched portion that the Examiner has identified is at most an insulator layer that is disposed to cover the tooth before the coil is wound. Such an insulator layer is not disclosed as nor would it be understood to be a bobbin about which a coil is wound and which is thereafter slid onto a tooth of the stator core. Thus, at most, Igarashi shows an insulator layer interposed between a coil and a tooth, but there is no teaching in Igarashi of a bobbin, as that term is understood in the art, around which a coil is wound and which is fitted to the tooth of the stator.

Even if the unlabeled cross-hatching of Igarashi is considered to read on a "bobbin", it is respectfully submitted that Igarashi does not anticipate nor suggest the claimed bobbin terminal(s) to which opposite ends of the phase coil are connected. The Examiner has asserted that elements 15a and 15b of Igarashi "extend from the coil/bobbin assembly" and that "bobbin terminal is broad enough to read on bobbin leads 15a and 15b". Applicant respectfully disagrees. Claims 1, 11 and 12 do not refer to "bobbin leads" extending from a "coil/bobbin assembly". Rather, these claims specifically provide that each bobbin includes bobbin terminal(s) to which end(s) of the phase coil are connected. Even if the unlabeled cross-hatch between core 13 and winding 15 is considered to be a bobbin, there is absolutely no disclosure whatsoever of that "bobbin" including bobbin terminal(s) connected to end(s) of the phase coil. Igarashi discloses opposite ends 15a and 15b of coil winding 15 but does not show or in any way teach or suggest that the bobbin/insulator includes any terminal component to connect to end 15a and/or 15b. Indeed, "bobbin terminal" as recited in claims 1, 11 and 12 is not broad enough to properly be read on the ends of the coil winding themselves,

as the Examiner has suggested. Because the plain language of these claims requires that the bobbin terminal(s) be connected to the phase coil end(s), and is thus, necessary, the bobbin terminals are provided in addition to the opposite end(s) of the phase coil themselves.

In the attachment to the Advisory Action, the Examiner modifies his interpretation of Igarashi, noting that according to a cited Dictionary "bobbin can be a coil of insulated wire" and that Igarashi "shows a coil of insulated wire 15". The Examiner thus asserts that Igarashi teaches a "bobbin coil", with the opposite ends of the coil defining bobbin terminals. However, even such a distorted interpretation of Igarashi does not meet the limitations of claim 1. Claim 1 literally requires that each stator coil include a bobbin fitted to one of the teeth and a phase coil wound around the bobbin. The Examiner's attempt to characterize the Igarashi phase coil as a bobbin does not meet the requirement of claim 1 that there be a bobbin and a phase coil wound around the bobbin. Nor does it read on a bobbin including bobbin terminal(s) for connecting to end(s) of the phase coil. At the bottom of page 2 of the Advisory Action, the Examiner appears to belatedly recognize that characterizing a "phase coil" as a "bobbin" does not read on claim 1, because the Examiner then suggests that to meet the phase coil wound around the bobbin limitation, "the bobbin would be the inner portion of the bobbin [coil] nearest the tooth body, while the phase coil would be the portion wound around the inner portion". Thus, the Examiner modifies his interpretation yet again by characterizing a part of the Igarashi coil as a bobbin and a part of the coil as a coil wound around the bobbin. But this still does not meet the limitations of claim 1, because there is still no teaching of a bobbin including bobbin terminal(s) for connecting to opposite end(s) of the phase coil. Indeed, according to the Examiner's modified interpretation of Igarashi, the phase coil and bobbin are integrally continuous where they are connected, so that there is no bobbin terminal as claimed, much less a bobbin terminal having a second contact portion in contact with a stator terminal.

In view of the foregoing, it is respectfully submitted that Igarashi does not disclose a bobbin and even if the unlabeled cross-hatch insulation is considered to be a

bobbin, Igarashi does not disclose that said bobbin includes bobbin terminal(s) for connecting opposite end(s) of the phase coil.

Not only does Igarashi fail to disclose bobbin terminal(s) as claimed, there is no teaching of such bobbin terminal having a (second) contact portion, as also required by claims 1, 11 and 12. In this respect, Igarashi includes a first contact portion at reference numeral 32 representing one of a plurality of recesses formed at the outer periphery 28 of a connecting unit 16 (stator terminal). Recess 32 engages one of the projections 34 of a plurality of conducting members (bus bars) 18-20 for three-phase connection. The projection 34 does not, however, correspond to the second contact portion of the bobbin terminal defined in applicant's claims 1, 11 and 12. In Igarashi the conducting members 18-20 include receptacles 37 for receiving respective ends 15a of the phase coil directly. Thus, Igarashi does not disclose or in any way suggest a bobbin including a bobbin terminal for connecting to an end of the phase coil and having a (second) contact portion in contact with a (first) contact portion of a stator terminal. It is therefore respectfully submitted that even if Igarashi could be construed as including a bobbin, a bobbin terminal attached to an end of the phase coil and in contact with a stator terminal, as claimed in claims 1, 11 and/or 12, would still not be anticipated nor obvious. It is therefore respectfully submitted that the claims presented are not anticipated by nor obvious from Igarashi.

Claims 5, 6, and 10 are submitted to be patentable for the same reasons as claim 1. Claim 9 has not been rejected.

2. The Examiner also fails to establish a *prima facie* basis for a rejection of claims 13-15 under 35 USC §103 based on Igarashi and Katayama

Katayama discloses a coil terminal attached to a bobbin and extending to an external connection terminal 13. From this disclosure, the Examiner summarily concludes that the subject matter of applicant's claims 13-15 would have been obvious. It is respectfully submitted, however, that contrary to the Examiner's statement, it would not have been obvious to "replace lead terminals 15a and 15b" of Igarashi with the bobbin and terminal structure of Katayama. As noted above, elements 15a and 15b of

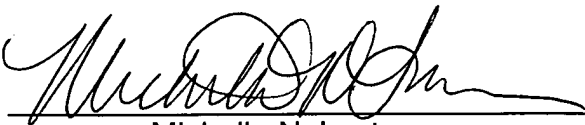
Igarashi are simply the opposite ends of the phase coil so, quite clearly, they could not be "replaced". Furthermore, it is respectfully submitted that Katayama does not in any event disclose the subject matter claimed because the claimed first and second contact portions are not provided by Katayama. By the Examiner's own admission, Katayama discloses only terminal pins or wires 12 and there are no details of how they are connected to the external connection terminal; certainly no disclosure of first and second contact surfaces as applicant has claimed. It is therefore respectfully submitted that the Examiner's suggested modification of Igarashi in view of Katayama is not a modification that one skilled in the art would obviously undertake without the benefit of applicant's disclosure. Moreover, even if an effort were made to modify Igarashi in view of Katayama, it is respectfully submitted that the combination specifically claimed by applicant would still not be anticipated nor obvious.

In view of the foregoing, there is simply no proper basis for the rejection of applicant's independent claims 1, 11 and 12 under 35 USC §102 based on Igarashi, nor is there a proper basis for the rejection of applicant's dependent claims under 35 USC §102 or 35 USC §103 based on Igarashi taken alone or in combination with the remaining art of record

Applicant respectfully requests that the pre-appeal panel find that the application is allowed on the existing claims and that prosecution on the merits should be closed.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michelle N. Lester
Reg. No. 32,331

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000